

1 McGREGOR W. SCOTT  
2 United States Attorney  
3 SAMANTHA S. SPANGLER  
4 Assistant U.S. Attorney  
5 501 I Street, Suite 10-100  
6 Sacramento, California 95814  
7 Telephone: (916) 554-2792

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) CASE NO. CR.S-04-275 LKK  
11 Plaintiff, ) (Magistrate Appeal)  
12 v. ) CA 56/04-50018  
13 KRISTINE BETTY PEARCE, ) MOTION TO DISMISS COMPLAINT AND  
14 Defendant. ) [PROPOSED] ORDER  
COURT: Hon. Lawrence K. Karlton

16 Plaintiff United States of America hereby moves to dismiss this  
17 case pursuant to Rule 48(a) of the Federal Rules of Criminal  
18 Procedure.

19 The defendant was convicted by Magistrate Judge Kellison on  
20 July 12, 2004 following a court trial. She promptly appealed to the  
21 district court. On May 17, 2005, this Court reversed the conviction  
22 and remanded for a new arraignment. On May 19, 2005, the government  
23 filed a notice of appeal. On September 27, 2005, the Ninth Circuit  
24 granted the government's motion to dismiss the appeal. On September  
25 29, 2005, the district court clerk filed the Ninth Circuit's order,  
26 which is the mandate.

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28    // /

1       The next step in the process is for the clerk to effectuate  
2 this Court's remand order. However, that step is unnecessary if the  
3 Court grants this motion to dismiss the complaint.

4 DATED: October 3, 2005

McGREGOR W. SCOTT  
United States Attorney

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7 By: /s/ Samantha S. Spangler  
8 Samantha S. Spangler  
Assistant U.S. Attorney

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10 ORDER

11       The Complaint in Case No. CA 56/04-50018 is hereby ordered  
12 DISMISSED.

13 Dated: October 3, 2005

/s/Lawrence K. Karlton  
14 LAWRENCE K. KARLTON, Judge  
United States District Court

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1 CERTIFICATE OF SERVICE BY MAIL  
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3 The undersigned hereby certifies that she is an employee in the  
4 Office of the United States Attorney for the Eastern District of  
California and is a person of such age and discretion to be  
competent to serve papers.

5 That on October 3, 2005 she served a copy of the attached:  
6

7 **MOTION TO DISMISS COMPLAINT AND [PROPOSED] ORDER**

8 by placing said copy in the United States mail in an envelope  
addressed as follows:

9 Craig M. Kellison  
10 United States Magistrate Judge  
2986 Bechelli Lane  
Redding, CA 96002

13 /s/ Samantha S. Spangler  
14 SAMANTHA S. SPANGLER  
Assistant U.S. Attorney